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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4253 OF 2006

Tanaji Dadu Lole .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.R.S.Kate for applicant

Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th December 2006

P.C.

. Applicant original accused No.1 in C.R.No.196 of 2006 registered with Karad City Police Station alleging offences under section

498A, 306 read with 34 I.P.C.

2. From a perusal of the statement of father of deceased it is clear that the applicant and the deceased were married for about 16 years. From this wedlock one daughter Ashwini and son Sagar were born. The deceased, it is alleged, committed suicide on account of harassment and ill-treatment by the applicant before me. His first application during the course of investigation was rejected. Thereafter, investigations were completed and charge sheet was filed. His second application also has been rejected. The learned Judge has observed that the cause of death is Asphyxia due to hanging. There is material to show that there was harassment and ill-treatment at the hands of the applicant. From the impugned order so also the materials collected, it is apparent that there were differences and the quarrel took place between husband and wife. Deceased was teacher in the local school. There do not appear to be

any specific allegations with regard to demand of money or that the disputes and differences were such as would make out a case for the applicant being guilty of the alleged offence. Duration of the marriage coupled with the fact that the minor children are left behind by the deceased, so also there being no other apprehension, it would be fair and just to release the applicant on bail, but with stringent conditions.

i) The applicant arrested in connection with C.R.No.196 of 2006 registered with Karad City Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Karad City Police Station once a week on every

Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate

with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)